



PHILIP MORRIS

INCORPORATED

LAW DEPARTMENT
PATENT SECTION

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28. February 1984

Mr. Colin D. Macauley
Callinan and Associates
P.O. Box No. 238
East Melbourne 3002 Australia

RE: Smoking Compositions
Application 66885/81 PM 920 Australia

Dear Mr. Macauley:

In response to the Official Action of 12 January and your letter of 17 January, we have the following comments. The numbers correspond to those in the Action.

2. We would like to point out that the statement on page 6 says "about 1-4 carbon atom content." This is not a critical point, however; the limitation to C₁₋₄ lower alkyl may be inserted into the claims noted.

3. In the patent practice, we are familiar with the more general heterocycles are disclosed by the description at the middle of page 5 with illustrative embodiments in the next paragraph on page 5. If examples to illustrate the non-nitrogen heterocycles are required, we can provide them though they will be contrived. See, however, remarks under 5 below. As to R, R¹, R² and R³, the list on page 6 is illustrative and not intended to be limiting. We could accept this limitation if the Examiner remains adamant.

4. Possibly this objection could be met by inserting "intended to be cooked" after foodstuff at the beginning of claim 7.

5. It is true that some of Teng's compounds in the two U.S. Patents cited are quite similar to those we claim. Note, however, that (using the general formula of our Claim 1) the substituent R of Teng is always H, whereas in our disclosure and claims, R may not be H.

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The most important compounds in our view are the nitrogen heterocycles. We prefer not to relinquish the others, but you may have this in mind as you proceed.

We hope this information will enable you to respond satisfactorily.

Very truly yours,

G. Esler Inskeep
G. Esler Inskeep

bjm

cc: T. Osdene ✓
E. Sanders
S. Hutcheson

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T.O. Osburn